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9 Atari Interactive, Inc.

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

12 ATARI INTERACTIVE, INC.,

13 Plaintiff,

14 vs.

15 REDBUBBLE, INC.,

16 Defendant.

17 AND RELATED ACTIONS  
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Case No. 4:18-cv-03451-JST

*[Related to Case No. 4:19-cv-00111-JST]*

**DECLARATION OF ETHAN ZOUBEK IN  
SUPPORT OF PLAINTIFF ATARI  
INTERACTIVE, INC.'S OPPOSITION TO  
REDBUBBLE, INC.'S MOTION FOR  
ATTORNEYS' FEES**

Judge: Hon. Jon S. Tigar

Date: March 3, 2022

Time: 2:00 p.m.

Crtrm.: 6, 2nd Floor

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1. I am the Chief Revenue Officer of Atari Interactive, Inc. (“Atari”) I have held this position since December, 2021. I have firsthand, personal knowledge of the facts stated herein, and if called to testify in a court of law, I could and would competently do so.
2. Atari is, first and foremost, a company that makes video games. Under the leadership of new CEO Wade Rosen and myself, Atari is currently developing substantially overhauled remakes of many of our definitive titles, including *Centipede*, *Asteroids*, *Missile Command*, *Black Widow*, *Food Fight*, and many more. These new versions feature original and enhanced gameplay, graphics, and sound design in order to bring new light to the classic elements of these games to their lifelong fans, and also to a completely new audience of younger gamers.
3. In addition to these modern revisions, Atari is also developing new games like *Days of Doom* and *RollercoasterTycoon Idle*.
4. Besides just video games, Atari is also planning to develop new gaming technology, which will allow everyday gamers to make, share, and play games they create themselves on Atari’s VCS console.
5. Paying the \$2.3 million in attorneys’ fees sought by Redbubble in this litigation would be devastating to Atari’s business. That number amounts to roughly 30% of Atari’s total research and development expenses, 90% of its total marketing expenses, and 40% of its consolidated net income. To account for such a loss, Atari would have to divert investment away from creating and marketing the new games and gaming technologies described above.

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1           6. Attached as Exhibit A to this declaration is the Atari Annual Results 2020/2021,  
2 which is also available at the following hyperlink: [https://ml-](https://ml-eu.globenewswire.com/Resource/Download/90503251-4946-4d18-af4b-bde5bbc65525)  
3 [eu.globenewswire.com/Resource/Download/90503251-4946-4d18-af4b-bde5bbc65525](https://ml-eu.globenewswire.com/Resource/Download/90503251-4946-4d18-af4b-bde5bbc65525) . This  
4 document is a true and correct copy and its contents are accurate to the best of my knowledge.

5           Executed this 18th day of January 2022, at New York, NY.

6           I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct.

8           DocuSigned by:

9           Ethan Zoubek

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Ethan Zoubek